



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

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| <b>Agency Name:</b>        | Virginia Department of Social Services |
| <b>VAC Chapter Number:</b> | 22VAC 40-661                           |
| <b>Regulation Title:</b>   | Child Care Services                    |
| <b>Action Title:</b>       | Child Care Services Program            |
| <b>Date:</b>               | June 18, 2003                          |

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

Due to significant changes in federal regulations with implementation of the Child Care and Development Fund and in anticipation of changes that will be required with the reauthorization of TANF, the Department needs to repeal the current Child Care Services Policy regulation 22 VAC 40-660 and replace it with 22 VAC 40-661.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

The state authority to promulgate this regulation can be found in Code of Virginia 63.2-217, 63.2-319, 63.2-611 and 63.2-616. These citations refer to the authority of the State Board of

Social Services to adopt such regulations as may be necessary to carry out the purposes of the agency and the programs it is mandated to provide. They refer to the VIEW program and its supportive services, including child care, and also the preventive service of child care as it relates to TANF and low income families. The Department of Social Services is designated as the Lead Agency for Virginia to administer the federal Child Care and Development Fund. Federal authority is the Child Care and Development Block Grant Act of 1990 as amended by the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104-193) and the Balanced Budget Act of 1997(Public Law PL 105-33). The purpose of this Block Grant is to increase the availability, affordability, and quality of child care services and to assist states in providing child care to parents who are trying to achieve self sufficiency. The Virginia Code citations can be found at <http://leg1.state.va.us/000/src.htm>. The federal code and regulation citations can be found at [www.acf.dhhs.gov/programs/ccb/policy1](http://www.acf.dhhs.gov/programs/ccb/policy1).

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

The current regulation will be repealed and a new regulation will be promulgated to take its place, incorporating all of the updated federal guidelines and terminology. Updated regulations are necessary in order to continue to offer the child care programs mandated by the Child Care and Development Fund. These programs protect the health and safety of low-income children by providing access to all legally operating child care programs through the payment of subsidies. The new regulation will define the subsidy programs offered under the Child Care and Development Fund (CCDF), incorporate policy on eligibility for these programs, incorporate policy with respect to child care service providers utilized, outline the case management processes used, define maximum reimbursable rates of pay and the state sliding fee scale for income eligible families, and reference child care fraud policy.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

Due to significant changes in federal regulations it is most efficient to repeal and replace the current regulation.